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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,776	03/03/2000	Mark Maggenti	000211	5937

23696	7590	02/07/2005

Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER
NGUYEN, THUAN T

ART UNIT	PAPER NUMBER
2685	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/518,776	MAGGENTI ET AL.
	Examiner	Art Unit
	THUAN T. NGUYEN	2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>03 March 2000</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-43 have been considered but are moot in

view of the new ground(s) of rejection.

Claim Rejections - 35 USC 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> *A person shall be entitled to a patent unless --*
>
> *(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

3.   Claims 1-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Stosz et

al. (U.S. Patent No. 6,591,111 B1).

Regarding claim 1, Stosz discloses "in a communications system, a push-to-talk

communication device to participate in a group communication net, said communications system

including a controller to manage said group communication net and interface with said

push-to-talk communication device, said device comprising: a processor to convert information

signals into packet data suitable for transmission over a distributed network; a transmitter to

transmit packet data through a first channel to said controller over a distributed network; a

receiver to receive packet data through a second channel from said controller over a distributed

network; and a user-activated mechanism to activate said transmitter when a user of said

communication device wishes to transmit said packet data to said controller" (Fig. 1, 2, 4-5, and

col. 2/line 30 to col. 52 for a distributed network as RSN 26 which RSN controller transmits,

receives and delivers packet data to push-to-talk users (PTT) devices 34—as in Fig. 2, the device

34 includes a processor within the controller and a transmitter 58 for processing and transmitting

packet data over a first channel using a user-activated mechanism or a I/O interface for activating

the PTT device, see col. 4/line 52 to col. 5/line 13 & col. 6/lines 36-65 for PTT function, and col.

7/lines 50-67 for the processor –not shown- associated with the controller 64).

For claim 2, Stosz discloses "wherein said communication device is a wireless

communication device' (Fig. 1 & 2 for antennas for wireless RF communications).

For claims 3-4, Stosz discloses further "comprising a memory unit to store said packet

data until said controller is ready to receive said packet data" and "wherein said memory unit is

used to minimize perceived latency of a user" (Fig. 6 and col. 7/lines 50-67 for a memory

associated with the controller 64, not shown).

For claims 5-6, Stosz discloses "wherein said communication device further comprises a

dynamically configurable priority level, wherein said priority level determines whether said

communication device has the authority to gain transmission privilege over another

communication device such that said communication device may interrupt said another

communication device having a lower priority level" and "wherein said priority level is

dynamically configurable" (Fig. 5/step 106, and col. 7/lines 25-67 & col. 8/line 56-col. 9/line 8

for comparing priority levels of mobile PTT users).

For claim 7, Stosz discloses "wherein said communication device receives information

from said controller regarding said group communications net" (col. 7/line 60 to col. 8/line 55

for monolog traffic is received or detected, and converted by the controller for communication

devices).

For claim 8, Stosz discloses "wherein said communication device operates in a secure

mode" (encryption can be used for a secure mode, see col. 4/line 64 to col. 5/line 5).

For claim 9, Stosz discloses "wherein said communication device further comprises

identification information, and wherein said communication device updates its identification

information when its current identification information has or is about to change, and transmits

its new identification information to said controller" (Fig. 7 and col. 8/lines 1-13 for

identification information addressed; and Fig. 8 and col. 9/line 27-col. 10/line 17 on how to

process for new or updated ID information).

For claim 10, Stosz discloses "wherein said group communications net is capable of

being in a dormant mode, and wherein activation of said user activated mechanism prompts said

controller to bring the group communications net out of said dormant mode" (Fig. 1, due to token

queue and under the RSN group controller, a subnet can be put under a dormant mode or inactive

if the lower priority level is determined, Fig. 5, or the withdraw or a deny for token, col. 10/line 4

to col. 11/line 4).

Regarding claims 11-24, these claims for "in a communications system, an apparatus to

adapt a communication device to participate in a group communication net, said communications

system comprising at least two communication devices and having a controller to manage said

group communication net and interface with said communication devices, said apparatus

comprising: a first port to establish a first channel with said controller over a distributed

network; a processor electrically connected to said first port, wherein said processor is dynamically configurable to send packet data through said first channel to said controller over a distributed network; and a user-activated mechanism to allow a user of said communication device to transmit said packet data to said controller" (see claims 1-10 above, with a router 86 as port interface for routing and exchanging communication channels between a plurality of transmitters and receivers, Fig. 4, and col. 5/lines 37-61).

Regarding claims 25 and 26-31, these claims for "in a communications system, a push-to-talk communication device to participate in a group communication net, said communications system including a controller to manage said group communication net and interface with said push-to-talk communication device, said device comprising: a processor to convert information signals into packet data suitable for transmission over the a distributed network, wherein said processor further comprises identification information, and wherein said processor updates its identification information when its current identification information has or is about to change, and transmits its new identification information to said controller; a transmitter to transmit packet data through a first channel to said controller over a distributed network; a receiver to receive packet data through a second channel from said controller over a distributed network; and a user-activated mechanism to activate said transmitter when a user of said communication device wishes to transmit said packet data to said controller" and "in a push-to-talk communication device, a method for participating in a group communication net, said method comprising: receiving information from a user of said push-to-talk communication device who wishes to transmit to said group communication net through a controller; converting said information into packet data suitable for transmission over a distributed network; and

transmitting said packet data to said controller over the a distributed network for transmitting to said group communication net" with same limitations as addressed earlier are rejected for the reasons given in the scope of claims 1-10 as disclosed in details above.

For claims 32-37 and 38-43, these claims for "in a push-to-talk communication device, computer-readable medium embodying a method for participating in a group communication net, said method comprising: receiving information from a user of said push-to-talk communication device who wishes to transmit to said group communication net through a controller; converting said information into packet data suitable for transmission over the a distributed network; and transmitting said packet data to said controller over a distributed network for transmitting to said group communication net" with same limitations as addressed earlier are rejected for the reasons given in the scope of claims 1-10 as disclosed in details above.

Conclusion

4.   **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

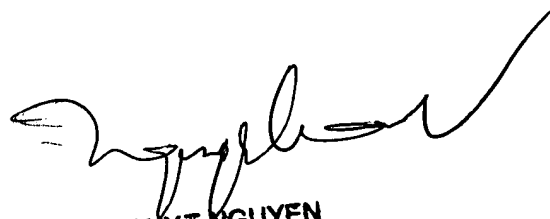**(703) 872-9306, (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II,

2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

5.	Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony Thuan Nguyen whose telephone number is (703) 308-5860. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

TONY T. NGUYEN
PATENT EXAMINER

Tony T. Nguyen
Art Unit 2685
February 2, 2005